THE HON'BLE SMT. JUSTICE T. MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K.C. BHANU

W.P.No. 1844 OF 2006

7th February, 2006.

Between:

Gajjala Obulamma

…Petitioner

A N D

The Station House Officer, Vemula Police Station, Vemula Mandal, Kadapa District & another. …Respondents

ORAL ORDER:

(Per T. Meena Kumari,J)

1. This is a taken up case basing on a “Telegram” dated: 26.01.2006 sent by one Gajjala Obulamma, Wife of Ramalingareddy, Kuppaguttapalli, Post: Vemula mandal, Kadapa District to The Honourable The Chief Justice, this writ petition has been numbered.

2. The Petitioner has approached this Court to issue a Writ of Habeas Corpus directing the respondents herein to produce her husband viz. Gajjala Ramalinga Reddy, before the Court, who was illegally detained by Police of Vemula Police Station, Kadapa District on 22.1.2006 at 9-00 p.m. apprehending danger to his life

and set him at liberty forthwith.

3. Heard the learned Advocate General.

4. Respondent No.1 filed a counter along with a copy of FIR in Crime No.7 of 2006 of Vemula Police Station under Section 5 of Explosives Substances Act, which discloses that on 26.1.2006 on receipt of information that a person belongs to Kuppagatupally is possessing country-made bombs, he along with his staff and two panchayatdars proceeded to the said village to verify the veracity of the truth. While they were proceeding to the said village at about ½ k.m. far to the said village, they saw one person carrying one red plastic box and on suspicion, they stopped their jeep and on noticing the same, the said person tried to flee away into the nearby agricultural fields. Then they surrounded and caught hold of him and on enquiry he revealed his name as Gajjala Ramalinga Reddy, the alleged detenu. On searching the said plastic box three country-made bombs were found in paddy husk. The detenu further revealed that there are disputes between himself and one Shanker Reddy, Member of MPTC of Peddajutur and he learnt that the said Shanker Reddy was making efforts to kill the detenu. Therefore, for his self-defence, the detenu is carrying the said bombs, which were seized by the police and temporarily defused by pouring water in the presence of mediators and after recording the seizure-cum-panchanama the alleged detenu was taken into custody at about 4.10 p.m. and he was taken to the police station at about 5-30 p.m. Basing on the mediators report a case in Crime No.7 of 2006 under Section 5 of Explosives Substances Act was registered by Vemula Police Station and after completing the formalities of arrest and after giving notice under Sections 50 and 51 Cr.P.C. to the daughter of the alleged detenu viz. Smt. Y.Vijayalaxmi, the detenu was produced before the Judicial Magistrate of First Class, Pulivendula on 27.1.2006 and the learned Magistrate after perusing the documents of arrest and on hearing the alleged detenu remanded him to judicial custody for an initial period of 15 days and the alleged detenu is now at Sub-Jail, Pulivendula.

5. In view of the statement made by the 1st respondent in the counter and in view of the copy of the F.I.R. filed by the 1st respondent, the Writ Petition is not maintainable

and accordingly, the Writ Petition is dismissed.

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T. MEENA KUMARI , J

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K.C. BHANU, J

7th February, 2006.

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